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PTO/SB/61 M1-03

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**Docket Number (Optional)  
0008-FA-US

First Named Inventor: HUNT

Art Unit: 1773

Application Number: 09/748,714

Examiner: Ramsey Zacharia

Filed: 12/21/2000

Title: CHEMICAL VAPOR DEPOSITION METHODS FOR MAKING POWDERS  
AND COATINGS, AND COATINGS MADE USING THESE METHODS

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

**1. Petition fee** Small entity – fee \$ .55 (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27. Other than small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in the form of  
Unknown Office Action not received (identify the type of reply):

- 
- has been filed previously on \_\_\_\_\_
- 
- 
- is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- 
- has been filed previously on \_\_\_\_\_
- 
- 
- is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

## 3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

3/11/04

Date

Signature

336 391-4383

Telephone Number

Alfred H. Muratori

Typed or printed name

41,561

Registration Number, if applicable

5315 Peachtree Industrial Blvd.

Address

Atlanta, GA 30341

Address

Enclosure  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unavoidable delay**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

3/11/04

Date

Signature

Alfred H. Muratori

Typed or printed name of person signing certificate

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

3/11/04

Date



Signature

41,561  
Registration Number, if applicableAlfred H. Muratori

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

As noted in section 2 above, the Office Action mailed on 29 November 2002 was never received by applicant. After receiving the Notice of Abandonment, I, Alfred H. Muratori, Agent for Applicant, called Examiner Zacharia on 10 March, 2004 to determine the nature of the miscommunication. Examiner Zacharia explained (and I asked if I could quote him), that after receiving our response to an earlier restriction requirement, a request to withdraw power of attorney from a case with a similar serial number was incorrectly entered into this case by PTO personnel. The office action mailed 29 November 2002, was then sent to the incorrect address from the incorrectly entered request. Thus we had no way of knowing that an office action had been mailed, and had no reason to expect one. When the case came before Examiner Zacharia for abandonment, Examiner Zacharia then explained the error to the clerical staff and the correct address was reentered into our case. It was determined that the best action to take was to send us the letter of abandonment, as the time limits had indeed expired.

Therefore, it is requested that this petition be granted, as the case should never have been listed as abandoned. Further, as Examiner Zacharia did not have access to the case, we have still not received the Office Action of 29 November 2002, and it is hereby requested that the Office Action be re-mailed and the time limit for response be restarted.

(Please attach additional sheets if additional space is needed.)

RECEIVED

MAY 9 2004

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEO I P E  
MAR 15 2004  
under the Paperwork Reduction Act of 1995 no person shall be required to respond to a collection of information unless it displays a valid OMB control number.

D A C

# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 55)

## Complete if Known

Application Number	09/748,714
Filing Date	12/21/2000
First Named Inventor	HUNT
Examiner Name	Ramsey Zacharia
Art Unit	1773
Attorney Docket No.	0008-FA-US

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number: 501231  
Deposit Account Name: MicroCoating Technologies Inc.

The Director is authorized to: (check all that apply)  
 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Extra Claims	Fee from below	Fee Paid
		-20** =		
		- 3** =		

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 280	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>		

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 280	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to Institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)**

55

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Alfred H. Muratori	Registration No. (Attorney/Agent)	41,561	Telephone	336 391-4383
Signature				Date	3/11/04

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**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

**REQUEST FOR PATENT FEE REFUND**

1 Date of Request: <u>5/11/04</u>		2 Serial/Patent # <u>09/745,714</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input checked="" type="checkbox"/> Filing				\$
<input type="checkbox"/> Amendment				\$
<input type="checkbox"/> Extension of Time				\$
<input type="checkbox"/> Notice of Appeal/Appeal				\$
<input checked="" type="checkbox"/> Petition	19	3/15/04	\$ 55.00	
<input type="checkbox"/> Issue				\$
<input type="checkbox"/> Cert of Correction/Terminal Disc.				\$
<input type="checkbox"/> Maintenance				\$
<input type="checkbox"/> Assignment				\$
<input type="checkbox"/> Other				\$
		7 TOTAL AMOUNT OF REFUND	\$ 55.00	
8 TO BE REFUNDED BY:				
<input type="checkbox"/> 10 REASON:		<input type="checkbox"/> Treasury Check <input checked="" type="checkbox"/> Overpayment <input type="checkbox"/> Duplicate Payment <input checked="" type="checkbox"/> No Fee Due (Explanation): <u>Patron granted</u>		
		<input checked="" type="checkbox"/> Credit Deposit A/C #: <u>50--1231</u>		
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>CHARLEMA GRANT</u> TITLE: <u>Attorney</u> SIGNATURE: <u>Charlema Grant</u> PHONE: <u>304-0251</u> OFFICE: <u>PTO</u> **** THIS SPACE RESERVED FOR FINANCE USE ONLY **** APPROVED: <u>Alice Miller</u> DATE: <u>5/12/04</u>				

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance  
Refund Branch  
Crystal Park One, Room 802B